

If you wish to appear for oral argument, you must so notify the court and opposing counsel by 4:00 p.m. one court day before the hearing, pursuant to California Rules of Court, rule 3.1308. The court telephone number is (209) 533-6524.

Absent a request for oral argument, the tentative ruling will be adopted as final at the time set for hearing.

1. CV59940 John Viglienzoni v. Leslie Allen, et al.

Motion: Motion to Achieve Service of Process through Publication
Moving party: Plaintiff
Motion filed: October 3, 2016

Tentative ruling: The motion is DENIED.

Analysis

Plaintiff has not established that the defendants cannot, with reasonable diligence, be served in another authorized manner, including by mail. Plaintiff also has not demonstrated reasonable diligence with respect to, among other things, determining when Leslie Allen is likely to be in California for purposes of personal service; the possibility of service on an officer of Resort Property Marketing, Inc.; or the viability of service at the address in Jamestown, which, based on the Court's own brief online investigation, does in fact appear to exist despite the process server's inability to locate it.

2. CV60114 Donald Jageman v. Sonora Community Hospital, et al.

Motion: Demurrer to Plaintiff's first amended complaint
Moving parties: Defendants Sonora Regional Medical Center, Adventist Health, and
 Jolene Andrews
Motion filed: September 8, 2016

Tentative ruling: The demurrer is SUSTAINED.

Analysis

On October 21, 2016, the Court sustained a similar demurrer, which was filed by Defendant James L. Reese, M.D., on September 19, 2016. The same analysis articulated by the Court in its tentative ruling on Dr. Reese's demurrer applies to the instant demurrer. Pursuant to the October 21, 2016, order, Plaintiff was granted 20 days' leave to amend the first amended complaint with respect to the second cause of action. (The demurrer to the third cause of action was sustained without leave to amend.) Because the Court is making no additional findings in connection with the instant demurrer, it believes the 20 days previously granted

Tentative Rulings: Department 4 Friday, November 4, 2016
Civil Law and Motion Calendar 8:30 a.m.

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should be adequate for whatever amendments, if any, Plaintiff chooses to make. Accordingly, the deadline for filing and serving a second amended complaint remains set as November 10, 2016.